



May 20, 2003-CPC
June 18, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0250

Gregory Babinat
and
Vicki Babinat

Dale Magisterial District
5140 Jessup Road

REQUEST: Conditional Use to permit a two (2) family dwelling unit in a Residential (R-7) District.

PROPOSED LAND USE:

A second dwelling within an existing dwelling unit is proposed.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The Planning Commission and Board of Supervisors have typically acted favorably on similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling.
- B. The recommended conditions ensure that the single family residential character of the request property is maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- (STAFF/CPC) 1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit; individuals related to them by blood, marriage, adoption or guardianship; foster children; guests; and any domestic servants. (P)
- (STAFF/CPC) 2. For the purposes of providing record notice, within thirty (30) days of the approval of this request:
- a. An instrument titled "notice of zoning restriction" shall be recorded with the property owner indexed as "grantor" and setting forth the limitations of Conditions 1 and 2; and
 - b. The deed book and page number of such notice and a copy of the notice as recorded shall be submitted to the Planning Department. (P)

GENERAL INFORMATION

Location:

North line of Jessup Road and known as 5140 Jessup Road. Tax ID 775-686-7274 (Sheet 11).

Existing Zoning:

R-7

Size:

1.3 acres

Existing Land Use:

Single family dwelling

Adjacent Zoning and Land Use:

North, South, East and West - R-7; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along a portion of Jessup Road that terminates approximately 300 feet east of this site. In addition, an eight (8) inch water line extends along a portion of Jessup Road and terminates at Catterick Road approximately 500 feet west of this site. Use of the public water system is not required.

Private Well:

The existing residence is connected to a private well, and it is the intent of the applicant to continue using the existing well. The Health Department must approve any new well or expanded usage of an existing well.

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along the northern and western boundary of this site. The existing residence is connected to the public wastewater system. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

This proposal will have no impact on drainage, erosion or water quality.

PUBLIC FACILITIES

Fire Service; Schools; Libraries; and Parks and Recreation:

This use will have a minimal impact on these facilities.

Transportation:

The Thoroughfare Plan identifies Jessup Road as a collector with a recommended right of way width of seventy (70) feet. The applicants are unwilling to dedicate thirty-five (35) feet of right of way, measured from the centerline of Jessup Road, in accordance with that Plan.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Land Use Plan which suggests the property is appropriate for residential use of up to 2.51 to 4.0 dwelling units per acre.

Area Development Trends:

Surrounding properties are zoned Residential (R-7) and are occupied by single family residential dwellings within Trampling Farms and Rock Spring Farms Subdivisions or located on acreage parcels. It is anticipated that residential development will continue in this immediate area, consistent with the Plan.

Site Design and Occupancy:

The applicants' propose to convert their basement into a second dwelling unit for occupancy by an immediate family member.

Consistent with past actions on similar requests and to ensure that the "single family" character of the area is maintained, the recommended conditions would limit occupancy of the second dwelling unit to the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. Conditions would also require recordation of an instrument to ensure that future owners are aware of occupancy limitations. (Conditions 1 and 2)

CONCLUSIONS

The Planning Commission and Board of Supervisors have typically acted favorably on similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling. The recommended conditions ensure that the single family residential character of the area is maintained.

Given these considerations, approval of this request is recommended.

CASE HISTORY

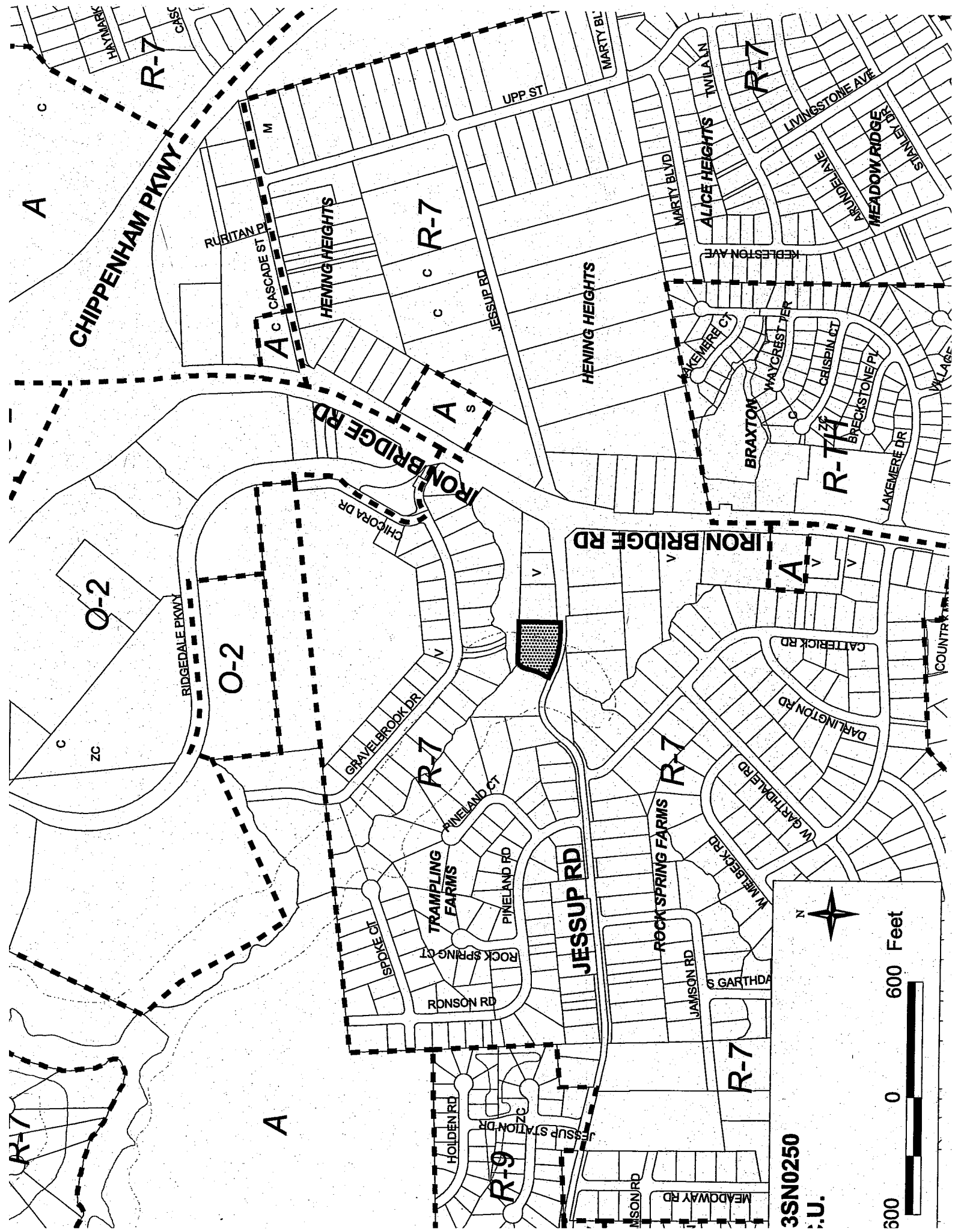
Planning Commission Meeting (5/20/03):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission recommended approval of this request subject to the conditions on page 2.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, June 18, 2003, beginning at 7:00 p.m., will take under consideration this request.



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